

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

THURSDAY, THE 1ST DAY OF OCTOBER 2015/9TH ASWINA, 1937

W.P.(C).No.27751 of 2009 (L)

PETITIONER(S):-

C.S.RAMACHANDRAN EMBRANTHIRI,
CHELAKKAL MADOM, CHOTTANIKKARA,
MELSANTHI, SREEKRISHNA TEMPLE, RAVIPURAM.

BY ADVS.SRI.M.BALAGOVINDAN
SRI.VINOD J.DEV.

RESPONDENT(S):

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1. COCHIN DEVASWOM BOARD,
REPRESENTED BY ITS SECRETARY,
OFFICE OF THE COCHIN DEVASWOM BOARD, TRICHUR.
 2. DEVASWOM COMMISSIONER
COCHIN DEVASWOM BOARD, TRICHUR.

R1 & R2 BY STANDING COUNSEL SRI.KRISHNA MENON.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
01-10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:-

APPENDIX

PETITIONER'S EXHIBITS:-

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| EXT.P1 | TRUE COPY OF THE PROCEEDINGS OF THE FIRST RESPONDENT DATED 12.8.1988. |
| EXT.P2 | TRUE COPY OF THE PROMOTION ORDER ISSUED BY THE 1ST RESPONDENT DT.17.10.1988. |
| EXT.P3 | TRUE COPY OF THE RELEVANT PORTION OF THE SENIORITY LIST DT.1.9.2003. |
| EXT.P4 | TRUE COPY OF THE COMPLAINT FILED BY THE PETITIONER WITH THE ENDORSEMENT MADE BY THE ASSISTANT COMMISSIONER OF THE COCHIN DEVASWOM BOARD. |
| EXT.P5 | TRUE COPY OF THE PROCEEDINGS DATED 27.12.2007. |
| EXT.P6 | TRUE COPY OF THE COMMUNICATION DATED 24.09.2009 RECEIVED ON 30.09.2009. |
| EXT.P7 | TRUE COPY OF THE CERTIFICATE ISSUED BY THE SPECIAL DEVASWOM COMMISSIONER IN THIS REGARD DATED 26.2.2008. |
| EXT.P8 | TRUE COPY OF THE JUDGMENT IN OP.20821/2000 DATED 23.2.2001. |
| EXT.P9 | TRUE COPY OF THE PROCEEDINGS DATED 9.7.2001. |
| EXT.P10 | TRUE COPY OF OBJECTION OF THE PETITIONER TO THE SENIORITY LIST. |
| EXT.P11 | TRUE COPY OF THE SENIORITY LIST OF 'A' GRADE SANTHI ACCORDING TO THE RESPONDENT NOW IN FORCE. |

RESPONDENT'S EXHIBITS:-

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| EXT.R1(a) | TRUE COPY OF THE FINAL SENIORITY LIST. |
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vkul/-

[true copy]

K. Vinod Chandran, J

W.P.(C).No.27751 of 2009-L

Dated this the 01st day of October, 2015

JUDGMENT

The petitioner was aggrieved with Exhibit P6, which intimated the petitioner that he is ineligible to be considered for appointment as Melsanthi in the 'Chottanikkara Melkavu' for the reason of the petitioner not being included in the seniority list of 'A' Grade Santhis. The petitioner, hence, sought for setting aside Exhibit P6 and revamping of the seniority list produced at Exhibit P3 as also directing consideration of a representation filed before the Special Commissioner of the Devaswom Board, produced at Exhibit P10. The further prayer was for considering the petitioner to the post of Melsanthi for a period of one year with effect from 16.11.2009.

2. Obviously the grievance arose when the petitioner was not considered for the post of Melsanthi in the Chottanikkara Temple, which selection was for the period commencing from 16.11.2009. The learned Standing Counsel appearing for the Board would submit that, the selection of Melsanthi is periodic

and at this point of time the writ petition has become infructuous. This Court is inclined to accept the said contention. The prayer for quashing Exhibit P6 and for consideration to the post of Melsanthi for one year from 16.11.2009 does not survive at this point of time. Considering the challenge made to the seniority list, it is to be noticed that none included in the seniority list is impleaded herein, even in a representative capacity. As to the representation at Exhibit P10, the petitioner would be entitled to raise his grievance, if anything survives, before the appropriate authority.

The writ petition, however, would stand closed as infructuous, with the above observation.

Sd/-
K.Vinod Chandran
Judge.

vkul/-

[true copy]